Review Conference of States Parties to the Convention on Cluster Munitions

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Review of the operation and status of the Convention and other matters important for achieving the aims of the Convention

Review of the Vientiane Action Plan

Submitted by the President of the Fifth Meeting of States Parties

I. Introduction and objective

1. The Vientiane Action Plan Review is an initiative and contribution by Costa Rica in its capacity as President of the Fifth Meeting of States Parties in cooperation with coordinators and working group Chairs and with the support of the interim Implementation Support Unit at UNDP, with the objective to facilitate the preparatory process in advance of the First Review Conference of the Convention on Cluster Munitions scheduled for 7-11 September 2015 in Dubrovnik, Croatia. Costa Rica, in its capacity as President of the Fifth Meeting of States Parties, bares the overall responsibility for the content of this review. The completion of this Review however, would not have been possible without the support, contributions and dedication of all the Coordinators: Netherlands and Lebanon on the general status and operation of the Convention, Ecuador and Norway on universalisation, Albania and France on stockpile destruction, Bosnia and Herzegovina and Switzerland on clearance, Australia and Mexico on victim assistance, Austria and Chile on cooperation and assistance, Belgium on transparency measures and New Zealand on national implementation measures[1].

2. The Vientiane Action Plan[2] (or the Action Plan) and its subsequent Review has no legal standing in this process but can serve as a means of gauging the status of practical

[1] They have undertaken consultations, gathered the views and reflections within their respective informal working groups of experts and provided the President with an expert opinion on the current state of play with regard to the implementation of the Vientiane Action Plan (2010). Costa Rica as the President of the Fifth Meeting of States Parties, also takes the opportunity to thank those individuals, organizations and other States that have contributed to this Review lending their time, knowledge and expertise to these working groups and to the interim Implementation Support Unit at UNDP for their invaluable support to this exercise.

[2] Final document, annex II, CCM/MSP/2010/5.

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implementation of the Convention and thereby also as an opportunity to document to what extent it the Convention on Cluster Munitions (or the Convention) has made a difference on the ground. As such it should constitute a useful contribution to the formal review of the status and operation of the Convention 2010-2015 and in guiding the necessary content for a new five-year action plan.

3. In submitting this Review to the First Review Conference, the President would like to stress that this initiative is not intended to be a negotiated document for adoption acceptable to all. On behalf of the Coordinators and of the Presidency however, the President kindly invited views, comments and factual corrections in advance of the First Preparatory Meeting which took place on 5 February 2015, with the aim to ensure that the Review is as accurate as possible mirroring our collective efforts in the implementation of the Vientiane Action Plan and thereby contributing effectively to the review process.

4. Further discussions were also welcome at the First Preparatory meeting, with the aim to collect further views, to reflect and to finalize the Vientiane Action Plan Review by March 2015, thereafter enabling us to focus our attention to the elaboration of a new Dubrovnik action plan under the lead of the President-designate of the First Review Conference.

Background

5. The Vientiane Action Plan was adopted by the States Parties to the Convention at the First Meeting of States Parties[3] in Vientiane, Lao People's Democratic Republic. Developed in consultation with partners with the objective to ensure effective and timely implementation of the provisions of the treaty following the First Meeting of States Parties, the Action Plan set out concrete and measurable steps, actions and targets aimed to be completed within specific time frames and with defined roles and responsibilities.

6. Drawing from the provisions of the Convention, the actions were not in themselves normative requirements, but designed to gather momentum and assist States Parties and other relevant actors in the practical implementation of the Convention. It was argued that with such guidance State Parties, together with partners, could ensure that the Convention would have immediate impact on the ground, address current implementation challenges, react to future developments, and reflect changes in the implementation work. As such, the overall aim of the Action Plan was to support States parties in meeting their obligations. With the adoption of the Vientiane Action Plan, States Parties sent a strong message on their commitment to the rapid implementation of the Convention.

7. Consisting of sixty-six actions, more specifically the Vientiane Action Plan aimed to guide activities and partnerships in support of universalisation efforts (actions #2-7), stockpile destruction (actions #8-9), clearance and risk reduction (actions #10-19) and victim assistance activities (actions #20-32) and, when and where relevant, within a framework of cooperation and assistance (actions #33-50) to further enhance prompt implementation.

8. In organizing actions further in support of these operative implementation measures, informal structures, working programmes and processes were also suggested (actions #51-57), to ensure optimal utility of transparency measures provided under the Convention and an active exchange of information (actions #58-62), to share experience on the content and application of national implementation measures (actions #63-65) and finally, to collectively work actively and constructively to further strengthen the norm established by the Convention on Cluster Munitions with a new standard by which States would be judged (action #66).

[3] Final document, section IV, paragraph 21, CCM/MSP/2010/5.

9. The Action Plan was elaborated as a priority list and a tool with which to help monitor implementation. Building on experience from the implementation of the Anti-personnel Mine Ban Convention of 1997, some actions were furthermore intentionally designed as milestones to ensure early implementation of comprehensive and resource intensive tasks whilst others were designed to assist States parties in structuring their response to their commitments under the Convention more generally. Therefore, the Vientiane Action Plan included actions to be taken in the year leading up to the Second Meeting of States Parties as well as actions to be undertaken between the First Meeting of States Parties and the upcoming First Review Conference.

10. Further to this, specific reference was made to the possibility, if necessary, of revising or substituting actions at future Meetings of States Parties, such as when States Parties succeeded in meeting their obligations and new circumstances that could arise due to additional States joining the Convention. This has however not been done. Rather, upon election, Presidents took to presenting to subsequent Meetings of States Parties a progress report: monitoring progress in implementing the Vientiane Action Plan.

11. Named after the venue of each Meeting of States Parties, the progress reports initially covered the progress of implementation under the Presidents' mandated period leading up to the next Meeting of States Parties, whereas from the Fourth Meeting of States Parties, the progress reports have aimed at presenting an aggregate analysis of trends and figures in the implementation of the Convention on Cluster Munitions, as operationalized in the Vientiane Action Plan, from entry into force on 1 August 2010 up to the Meeting of States Parties concerned.[4] Based on publically available information, including States Parties initial and annual transparency reports, statements made during intersessional meetings and Meetings of States Parties and other open sources such as information provided by civil society, these progress reports in turn, aimed at facilitating discussions at Meetings of States Parties by monitoring progress and identifying key questions suggested to be addressed.

12. The Vientiane Action Plan Review is not meant to replace these more detailed annual progress reports, but rather to provide a synthesis in a short and succinct fashion providing stakeholders with a sense of the state of implementation at this time outlining the overall trends and directions our collective efforts have taken as guidance and input for the formulation of a new Dubrovnik action plan for the period 2015-2020.

Methodology

13. The Vientiane Action Plan Review draws on the four annual progress reports[5], on States Parties' formal submissions of initial and annual transparency reports[6], on the

[4] Beirut Progress Report: monitoring progress in implementing the Vientiane Action Plan from the First up to the Second Meeting of States Parties, President of the First Meeting of States Parties – Lao People's Democratic Republic, 2011. Oslo Progress Report: monitoring progress in implementing the Vientiane Action Plan between the Second and Third Meeting of States Parties, President of the Second Meeting of States Parties - Lebanon, 2012; Lusaka Progress Report: monitoring progress in implementing the Vientiane Action Plan between the Third and the Fourth Meeting of States Parties, President of the Third Meeting of States Parties - Norway, 2013; San José Progress Report: monitoring progress in implementing the Vientiane Action Plan up to the Fifth Meeting of States Parties, President of the Fourth Meeting of States Parties - Zambia, 2014; Croatia Progress Report: monitoring progress in implementing the Vientiane Action Plan up to the First Review Conference, President of the Fifth Meeting of States Parties – Costa Rica, forthcoming 2015.

[5] Ibid.

[6] Article 7 database http://www.unog.ch/80256EE600585943/(httpPages)/84610CE6A9FDDACDC1257823003BBC39?OpenDocument.

statements made at informal and formal global, regional and sub-regional gatherings of the CCM[7], on media reports and other information available in the public domain including the Cluster Munitions Monitor[8] published by the Cluster Munition Coalition.

14. With the review of each thematic area led by respective coordinators and working group Chairs, the process was initiated in September 2014 during the first Coordination Committee meeting under the President of the Fifth Meeting of States Parties. With further assistance from the interim ISU, informal working groups of experts, with representation of individuals as well as from organisations and other States were established under each set of working group Chairs for their further work and consultations. Files containing relevant references from the Vientiane Action Plan subject for review, and progress documentation collated to date, were shared by the interim ISU with each working group together with guidance to preserve overall consistency among the eight working groups allowing for a coordinated process and the consolidated report that follows.

15. In the overall consolidation of the various sections submitted by coordinators, editing has been done for consistency and flow of the narrative and to avoid repetitions. The consolidated draft Vientiane Action Plan Review was thereafter circulated to all Coordinators for them to ensure that substantive contributions remained intact, prior to further circulation.

16. If not otherwise stated, percentages, trends and/or specific figures provided are based on the information obtained on the state of implementation as of March 2015.

II. The Convention on Cluster Munitions – achievements and areas for further action

17. The Convention on Cluster Munitions was born of a collective awareness of the perverse humanitarian consequences of cluster munitions with the objectives to prevent new victims by prohibiting the use, production, transfer and stockpiling of cluster munitions, as well as tackling the consequences, remedying the effects of past use by assisting victims, their families and communities as well as in clearing contaminated lands, the very elements that constitute the backbone of this Convention. Since entry into force, on 1 August 2010, the Convention has made substantial progress in these efforts and as such represents one of the most important developments in international humanitarian law in recent times. States parties have, from the outset, shown great determination to implement the Convention rapidly and thoroughly and agreed to consult and cooperate with each other regarding the implementation of the provisions of the Treaty and to work together in a spirit of cooperation.

18. In the five years following entry into force, most of the affected countries and many former users, producers and stockpilers have joined this effort. To date, 116 States have committed to the goals of the Convention and 91 of them have become full States Parties through ratification or accession, while 25 still have to submit their instruments of ratification. The work of State parties to implement the provisions of the Convention, in clearance and risk reduction activities, in stockpile destruction and in assistance and support to victims, their families and communities, is already making a difference on the ground.

19. Deadlines with regard to the operational components under Article 3 on stockpile destruction will occur only in 2018. Similarly, deadlines for clearance of cluster munitions remnants under Article 4 will only start occurring in 2020, with countries like the Lao People's Democratic Republic, Lebanon and additional other States Parties having declared

[7] http://www.clusterconvention.org/meetings/.
[8] http://www.the-monitor.org.

cluster munition affected areas at the time of entry into force—and with three of them having declared compliance already. At this time however, relevant compliance issues therefore extend only to reporting requirements, e.g. overdue submissions of initial and annual transparency reports. In reviewing the implementation of the Vientiane Action Plan, it is also worth making a reference to Article 21.

20. Raised as a concern since the Second Meeting of States Parties, reporting levels remain low. To date, 17 States Parties have yet to submit their initial transparency report and only 49 per cent of the States have submitted all required annual transparency reports. Secondly, since entry into force, the use of cluster munitions has been recorded at seven occasions, either as an isolated occurrence or, as in the case of the Syrian Arab Republic, been ongoing since first recorded in 2012.[9] Civilians are still subject to unacceptable harm. It is therefore crucial to further strengthen the norm established by the Convention. Best efforts should be made to systematically raise concern with regards to the use of cluster munitions that causes unacceptable harm to civilian populations and objects, by any actor. As a measure to put an end to all use and uphold the new standard set by the Convention by which States now are judged, it is imperative to clarify allegations of use and demand that those at fault discontinue the practice without delay.

21. The seven instances of use are of great concern. Notwithstanding, vehement denials by alleged users following public disclosure are all good indicators of the stigma now associated with cluster munitions. Also States not party to the Convention no longer want to be associated with these weapons. In response to use, Presidencies of the Convention on Cluster Munitions, States Parties as well as the United Nations, the International Committee of the Red Cross and civil society organisations have expressed concern and condemned this use. Several States and organisations have undertaken fact-finding missions and/or requested clarifications or investigations by parties to the conflict when use of cluster munitions has been confirmed. More specific actions taken when use have occurred since entry into force include:

(a) Several States as well as the President of the Convention on Cluster Munitions responded publically to the use of cluster munitions by Thailand in 2011 condemning the use and requesting a fact finding mission;

(b) The Secretary-General of the United Nations, several United Nations agencies and the civil society organisation Cluster Munitions Coalition all reacted to media reports on the allegation of use by Sudan in South Kordofan in 2012;

(c) Some 58 States condemned or expressed concern about the use in South Sudan and 52 States condemned or expressed concern about the use in Ukraine, both believed to have occurred in 2014;

(d) Some 157 States, including States Parties and states not yet parties to the Convention, condemned or otherwise expressed concern in the context of ongoing and widespread use in the Syrian Arab Republic, by means of national statements, through resolutions 67/262 and 68/182 of the General Assembly, through statements made by the European Union at the Meeting of States Parties and as contained in the "London 11" Friends of Syria Core Group of countries communique".

[9] Used in Cambodia (2011) and in Libya (2011 and 2015); in the Syrian Arab Republic (2012, 2013 and 2014); in South Sudan (2014) and in Ukraine (2014 and 2015) and allegedly used in Sudan (2012 and recently again in 2015) and in Myanmar (2013).

III. Implementation support

22. Notwithstanding more specific elaboration of progress made with reference to the areas of individual working groups presented in more depth together with the challenges encountered and recommendations for further work on a Dubrovnik action plan, some more process oriented aspects can be highlighted in relation to actions #51-57 of the Vientiane Action Plan.

Scope

23. The Vientiane Action Plan of 2010 laid out a roadmap with the objective to ensure effective and timely implementation. The Vientiane Action Plan set out concrete and measurable steps, actions and targets aimed to be completed within specific time frames and with defined roles and responsibilities. It based its scope and assumptions on the organisation of work known within the broader humanitarian disarmament and mine action communities lending existing processes, procedures, methodology and operational structure to the work.

Progress

24. Actions undertaken in support of implementation included collective efforts to remain inclusive with the aim of facilitating systematic input and engagement from a range of non-State actors from civil society and international organisations and forge new partnerships with access both to informal and formal gatherings of the Convention. Following the First Meeting of States Parties a regular work programme and meeting schedule was established together with a Coordination Committee chaired by the President and consisting of fourteen Coordinators.

25. To support this architecture the Vientiane Action Plan suggested an implementation support unit, and subsequent to a decision to this end at the Fourth Meeting of States Parties, and whilst States parties discuss the final fine-tuning of these arrangements, UNDP was requested to continue its support to the Convention on an interim basis. Finally, a sponsorship programme was also established to ensure inclusive, representative and participatory processes. A well-established mine action sector and the work of other relevant instruments of disarmament and of international humanitarian and human rights law also offered a framework within which cooperation could be pursued in ways that maximizes efficiency and impact.

26. Five years into the making, and drawing on progress made, a satisfying conclusion is that much has been accomplished with implementation support. More remains to be done however to accomplish the aims of the Convention and we must not only stay the course but indeed "up-the-marks" to ensure a progress commensurate with our collective goals as well as the individual legal obligations of States parties to the Convention on Cluster Munitions.

Recommendations

27. Drawing from the provisions of the Convention, the Vientiane Action Plan was designed to gather momentum in the practical implementation of the Treaty. In the lead up to the First Review Conference, States should review the form and format of this collective plan of action to ensure that the new iteration, within an ever-changing environment, remains both constructive and flexible and takes on an innovative and results based approach in its guidance to States ensuring that efforts are translated into real impact on the ground.

28. To this end, regular reviews of the implementation support to the Convention would also be warranted to ensure that the programme of work with associated schedules, form and format of meetings, the coordination mechanisms and dedicated implementation support unit together with a sponsorship programme at all times are needs-based and meet the objectives of the results framework agreed among States parties to the Convention.

29. Much of these elements will be discussed within the formal review underway under the leadership of the President-designate of the First Review Conference on the status and operation of the Convention. Notwithstanding, in the further elaboration of a Dubrovnik action plan efforts should be done to further develop and strengthen a multiyear framework that can present an ambitious plan of action—with any necessary fine-tuning of implementation support as agreed, to ensure follow up. Such a results framework should contain well-defined baselines as well as overall goals and clearly identifiable targets. A five-year period would also lend itself to the definition of periodic milestones and indicators of success that more easily could help measure progress.

30. The Presidency of Costa Rica looks forward to working with Croatia as the President-designate of the Review Conference on this in the lead up to the First Review Conference.

IV. Universalisation

Key messages

31. The adoption, entry into force and implementation of the Convention on Cluster Munitions constitute truly ground-breaking progress toward putting an end to the unacceptable harm caused by cluster munitions. Less than six years after the opening for signature, most of the affected countries and a substantial number of former users, producers and stockpilers have joined this effort. The work of State parties to implement the provisions of the Convention, in clearance and risk reduction activities, in stockpile destruction and in assistance and support to victims, their families and communities, is making a real difference on the ground.

32. These advances are the result of the invaluable partnership between States, international organisations such as the United Nations, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies and civil society organisations working together. But there is yet some way to go for the Convention to achieve universal adherence and for cluster munitions to be eliminated once and for all time. Despite the commitment of 116 States that are bound by the ban on cluster munitions, the weapon has been used with seven instances recorded since entry into force, and continue to kill and injure people with as many as 94 per cent of reported casualties being civilians, including women and children.

33. However, the international norm against cluster munitions, whereby the use of cluster munitions, which causes unacceptable harm to civilian populations and objects, by any actor, is regarded as detestable is becoming stronger and stronger. Most States not party are influenced by international pressure and comply with the Convention's requirements in practice, although not legally bound to do so.

Scope

34. More than half of the States Members of the United Nations have committed themselves to the goals of the Convention and, through their signature, ratification or accession, are bound by the ban on use, production, transfer and stockpiling of cluster munitions, less than six years after the opening for signature.

Progress

35. To date, 116 States have committed themselves to the goals of the Convention and 91 of them have become full States Parties[10] through ratification or accession, while 25 still need to ratify[11] The Convention enjoyed a rapid rate of ratifications and accessions in the first three years with 46 States by the First Meeting of States Parties, 17 additional by the Second Meeting of States Parties and 12 by the Third Meeting of States Parties. In the approach to the Fourth Meeting of States Parties eight States ratified or acceded and one additional State acceding by the Fifth Meeting of States Parties. Since then, however, motivated by the approach of the First Review Conference, the Convention on Cluster Munitions has welcomed seven new States Parties and indications are that more will join in the second and third quarter of 2015.

36. Universalisation and outreach in line with the Vientiane Action Plan have been effective helping to maintain the interest of signatories and encouraging States not parties in joining the Convention. With the support of the United Nations, the International Committee of the Red Cross, the Cluster Munitions Coalition and other organizations, a variety of activities have been undertaken since the entry into force, including the establishment of a working group to pursue a regional approach in universalisation efforts. As a result, five regional universalisation workshops were held in Europe (Croatia), West Africa (Ghana and Togo) and in Latin America (Chile and Costa Rica). Geneva-based workshops addressing universalisation challenges have also been held targeting regional and linguistically cohesive groups. Actions also include non-papers submitted to Meetings of States Parties dedicated to universalisation reiterating the call to all States that have not yet done so, to consider ratifying or otherwise acceding to the Convention as a matter of priority.

37. Furthermore, and in accordance with universalisation efforts prompted by treaty obligations (Article 21), the five Presidents and States Parties have, by means of political demarches and visits to capitals; in bilateral and multilateral meetings; in political declarations and in encouraging observer participation in formal and informal meetings of the Convention, encouraged states not party to the Convention on Cluster Munitions to ratify or accede. In addition, the Secretary-General of the United Nations has over the years written with a periodicity of two years to States not party inviting them to consider joining the Convention. Further to this, the support of donor countries, outreach efforts and the establishment of a sponsorship programme have resulted in the participation of 34 States not party to the treaty at the Second Meeting of States Parties in Lebanon, 33 at the Third Meeting in Norway, 27 at the Fourth Meeting in Zambia and 15 at the Fifth Meeting in Costa Rica as well as a number of them participating also at the 2012, 2013 and 2014 informal intersessional meetings.

Challenges highlighted since the First Meeting of States Parties

38. Challenges in universalisation efforts have included how to reinforce the norm and end the use of cluster munitions by States not party, including full respect for the obligations under Article 21 of the Convention. In addition discussions have been held on how to increase the pace of ratification and accession to the Convention on Cluster Munitions by States not party but who nevertheless are contaminated by cluster munitions, in possession of stockpiles or producers of cluster munitions; and of those with responsibility for the wellbeing of survivors.

[10] Annex I "States that have ratified or acceded to the Convention on Cluster Munitions".

[11] Annex II "States that have signed but have yet to ratify the Convention on Cluster Munitions".

Recommendations

39. For further practical, time bound and purposeful guidance in universalisation efforts, stakeholder should promote:

(a) Adherence to the Convention:

(i) Opportunities given by all relevant forums (i.e. parliamentary meetings), high level bilateral and regional meetings to engage stakeholders and promote adherence to the Convention as soon as possible, emphasizing that it works and that countries are meeting their obligations under the Treaty (with stockpile destruction being the largest success) and that the stigma against the weapon is strong;

(ii) Continued outreach and engagement with States not party in all appropriate fora, including capitals.

(b) Cooperation and assistance:

(i) Continue cooperation among States Parties and other relevant partners including international organisations and civil society to promote the universalisation of the Convention and its norms;

(ii) Encourage and support States not party to join the Convention as soon as possible in acknowledging the potential obstacles and challenges facing States not party to the Convention and helping find solutions to facilitate their eventual adherence to the Convention;

(iii) Support the efforts of States not party that share the humanitarian imperative and concerns caused by cluster munitions, in participating in formal and informal meetings in order to encourage them to become States Parties to the Convention;

(iv) Continued dissemination of models of legislation and offer of support to targeted states needing to pass legislation in order to ratify/accede.

(c) State response to any and all allegations of non-compliance, including:

(i) Discouraging in every way possible all use, development, production, stockpiling and transfer;

(ii) Condemnations in instances of use; and

(iii) Through bilateral discussions, the use of the good offices of the President, and any other means consistent with Article 8 to demand clarification of alleged use.

V. Stockpile destruction

Key messages

40. With States Parties having collectively destroyed over 80 per cent of their reported cluster munition stockpiles, and thereby well on track to complete all destruction in conformity with their respective deadlines stipulated by the Convention, national ownership and commitment for the destruction of stockpiled cluster munitions have proven to be very high.

41. The Convention has been a catalyser for the development of new destruction techniques which in some cases have helped accelerate the disposal process and reduce costs. States' achievements to date on compliance with Article 3 highlight stockpile destruction as a success story of this Convention, directly contributing to its aims of preventing the proliferation and use of cluster munitions. Despite this success continued efforts are needed to ensure that all remaining stockpiles are disposed of in a timely manner

in compliance with Article 3. This would also include, to provide international cooperation and assistance as and when requested.

Scope

42. Thirty-six States Parties have reported that they have or previously had cluster munitions stockpiles and thereby also obligations under Article 3.

Progress

43. Among these States Parties, 67 per cent have declared being in compliance with their obligations under Article 3 having completed its stockpile destruction; two already before the entry into force of the Convention, ten in 2011, five in 2012, one in 2013, five in 2014 and one in 2015. Two States Parties later reported having identified additional cluster munitions requiring destruction.

44. According to available information, since entry into force States Parties have destroyed over 1.16 million cluster munitions containing more than 140 million sub-munitions. Among the 14 States Parties that still hold stocks, 12 have provided information on the quantity of the cluster munitions and sub-munitions remaining. All States Parties have declared that they will be able to achieve the destruction of their stocks within the eight-year deadline and nearly all of these have provided a timeline for the destruction of their respective stockpiles.

Challenges highlighted since the First Meeting of States Parties

45. How to maintain the momentum for rapid destruction of stockpiles, and to utilize the provisions agreed for international cooperation and assistance.

46. How ensure that the amount of explosive sub-munitions retained or acquired does not exceed the minimum number absolutely necessary for the purposes permitted under Article 3.6 of the Convention.

Recommendations

47. For further practical, time bound and purposeful guidance in the implementation of the Convention, and further to the legal obligations under Article 3, particular efforts should be considered with reference to:

(a) Plan:

(i) Endeavouring to have a plan in place as soon as possible for the destruction of stocks, including an estimated completion date, national resources to be attributed, and any requirements for international support, and begin physical destruction as soon as possible;

(ii) Ensuring that the plan is in compliance with international standards relating to the protection of public health and environment.

(b) Compliance:

(i) When new, previously unknown stockpiles are identified after declaration of compliance, report such discoveries, develop plans for their destruction and destroy them as a matter of urgent priority;

(ii) Ensuring that the amount of explosive sub-munitions retained or acquired does not exceed the number absolutely necessary for purposes allowed under Article 3.6 and report regularly on the past and planned use of retained munitions.

(c) Transparency and confidence building:

(i) As a measure of promoting transparency and confidence building, highlight these plans in annual transparency reports and if deemed necessary, at Meetings of States Parties and/or other informal meetings;

(ii) Encouraging States parties to maintain transparency as an important element for the full implementation of Article 3 by providing clear information on the status and progress of stockpile destruction programmes.

(d) Exchange of best practice:

Encouraging exchange among States parties and expert organisations of good and cost effective stockpile destruction practices including on safety, environmental issues and efficiency.

VI. Clearance and destruction of cluster munitions remnants and risk reduction activities

Key messages

48. Contamination of cluster munition remnants can be addressed effectively and relatively quickly. The entry into force of the Convention on Cluster Munitions has had an energising impact on the clearance community and States parties should continue their best efforts to maintain this momentum.

49. The Convention has promoted new thinking on clearance and risk reduction in the context of Article 4. In particular, it continues to stimulate international discourse on, and the implementation of, efficient clearance activities. The international discourse has highlighted that the efficient implementation of Article 4 relies first on good surveys to establish the real extent of the problem, and second on prioritised clearance efforts, using the most efficient funding regimes and updated technical and clearance methods.

50. The implementation of Article 4 is a success story. This success is due in part to the best practices, standards and methods suggested by States Parties and the wider clearance and risk reduction community since entry into force. It is important to increase the number of affected states that apply and operationalise the approaches and methods that have been suggested.

Scope

51. Sixteen States Parties have reported to have or had obligations under Article 4.

Progress

52. Among these, two had fulfilled their obligations prior to entry into force, one declared compliance at the Third Meeting of States Parties and two declared compliance at the Fifth Meeting of States Parties. There are 11 States Parties with current obligations under Article 4.

53. Actions #10–19 of the Vientiane Action Plan lay out commitments made by States in the course of complying with Article 4. Throughout the past five years, States with obligations under Article 4 reported on the location and size of cluster munitions contaminated areas, on methods applied for survey and clearance of contaminated areas, on measures taken to prevent further civilian casualties, and on the size and location of cluster munitions contaminated areas released. To support affected States in these efforts a number of documents were presented:

(a) "Application of all available methods for the efficient implementation of Article 4"[12] submitted to the Second Meeting of States Parties by Australia;

(b) "Implementation of Article 4: Effective steps for the clearance of cluster munition remnants"[13] submitted to the Fourth Meeting of States Parties by Ireland and Lao People's Democratic Republic, which suggested that cluster contamination could be addressed effectively and relatively quickly if available resources were utilized appropriately and by adopting a systematic step by-step approach; and

(c) "Compliance with Article 4"[14], submitted to the Fourth Meeting of States Parties by the President of the Third Meeting of States Parties, which intended to provide guidance on how to approach the planning and execution of survey and clearance operations, including how to identify contaminated areas and what constitutes "every effort" under Article 4.2(a).

54. Based on this work, in 2014, the Coordinators on clearance and risk reduction - the Lao People's Democratic Republic and Switzerland - placed special emphasis on best practices of survey and implications for the implementation of Article 4, given the importance of survey methodology in the detection of cluster munitions remnants.

55. The Convention continues to be a catalyst for new thinking on clearance and risk reduction. In the context of the international discourse on the implementation of Article 4, new approaches and methods relevant for an efficient clearance and ultimately a clear compliance with Article 4 are being developed, suggested and promoted. Since the First Meeting of States Parties, a number of affected States has already operationalised such approaches and methods.

56. It is important to maintain this momentum and for affected States to continue to implement best practices in survey, detection and clearance as proposed in the relevant papers welcomed by Meetings of States Parties. It is encouraged that in the context of, and after the First Review Conference, again more States would operationalise the approaches and methods suggested, thus also further improving the transparency on achievements and remaining challenges. This would help to address existing shortfalls in, inter alia, precise estimation of contamination, the application of land release methods, the inclusion of existing standards, information management and the inclusion of context-specific local and national realities for affected communities in clearance and risk reduction programmes.

Recommendations

57. For further practical, time bound and purposeful guidance in the implementation of the Convention, and further to the legal obligations under Article 4, particular efforts should be considered to:

(a) Conduct surveys, both technical and non-technical, that:

- Promote clarity on whether cluster munition remnants are located in areas under the state's jurisdiction or control and therefore an obligation under Article 4 exists;
- Prepare evidence-based decisions, risk-analysis and a prioritization of clearance activities, taking into account needs, vulnerabilities as well as realities and different priorities on local and national levels;

[12] CCM/MSP/2011/WP.4.
[13] CCM/MSP/2013/5.
[14] CCM/MSP/2013/WP.1

- Allow the release of uncontaminated land, taking into account existing best practices and principles for land release.

(b) Develop and implement national clearance strategies and plans based on survey results, taking into account existing best practices, international and national standards and methods; national clearance plans should include transparent and consistent criteria for developing clearance priorities and for utilising the most appropriate survey and clearance methodologies and technologies and where applicable, affected communities should be included in the development and implementation of national clearance plans;

(c) Based on functioning databases and comparable data, provide information on the size and location of all cluster munition contaminated areas under its jurisdiction or control, and provide annually precise and comprehensive information on the size and location of cluster munition contaminated areas released;

(d) Take all feasible measures to prevent civilian casualties as soon as areas under its jurisdiction or control are known to be affected;

(e) Develop and provide targeted/focused risk reduction education programmes that are based primarily on an assessment of need and vulnerability and an understanding of risk-taking behaviour;

(f) Mainstream gender and age sensitiveness in the development of plans and programmes, as well as in the conduct of survey and other relevant activities;

(g) Involve affected communities as much as possible and feasible in all activities related to clearance and destruction of cluster munitions remnants, as well as to risk reduction education;

(h) Make a declaration of compliance to Meetings of States Parties as outlined in paragraph 1(c) of Article 4; and for all States tomonitor and actively promote the achievement of clearance goals and the identification of cooperation and assistance needs;

(i) When in a position to do so, provide international cooperation and assistance, including sufficient and predictable funding, to enable affected States Parties complete implementation of Article 4 as soon as possible and no later than their respective clearance deadlines, and help to ensure that extensions to these deadlines will be necessary only in extraordinary circumstances. When funding is committed or pledged, where possible, multi-year support should be considered;

(j) Coordinate efforts in support of cluster munitions clearance in affected States Parties, with the aim of ensuring that allocation of funds is more effective at country level (e.g. to avoid duplication of efforts and gaps) and appropriately distributed among the affected countries, bearing in mind the level of the problem and their development requirements and needs;

(k) Continue to explore methods and technologies which will allow clearance operators to work smarter with the right technology to achieve better results as we all strive to attain as quickly as possible the strategic goal of a world free of cluster munitions and its remnants.

VII. Victim assistance

Key messages

58. The Convention is a landmark humanitarian disarmament agreement: it was the first international treaty to contain precise obligations on assistance by States Parties to victims of a given weapon in areas under the State Party's jurisdiction or control. Assistance to

survivors, and to their families and communities, is acknowledged as a key component of the remedy to the harm caused by cluster munitions, and is also a legal duty. Efforts to make assistance available and accessible have been reported over the past five years.

59. There are however, still many practical and financial challenges to ensure the full implementation of the actions dedicated to victim assistance in the Vientiane Action Plan. The gap between our ambitions and intentions, and the experiences of survivors as a result of our collective work to date, remains wide. Questions are raised as to whether one can yet observe measurable improvements that demonstrate a real difference to the lives of survivors. Increasing cooperation between affected States, among agencies, and linking efforts under the Convention on Cluster Munitions to activities which promote the rights of survivors as well as their families and communities under other instruments – such as the Convention on the Rights of Persons with Disabilities of 2006 – or national development efforts, remains essential for efficiency, sustainability and non-discrimination.

Scope

60. Article 5 of the Convention on Cluster Munitions is the result of the experience gained in the context of other international instruments, most notably the Anti-Personnel Mine Ban Convention and the Convention on the Rights of Persons with Disabilities. Since entry into force, 12 States Parties have reported, or have been reported to have, obligations under Article 5.

61. Building on the Anti-Personnel Mine Ban Convention, the provision of Article 5 represents major steps forward in clarifying who bears the responsibility of assisting cluster munitions victims as it states that "Each State Party with respect to cluster munition victim in areas under its jurisdiction or control" shall [illegible] accordance with applicable international humanitarian and human rights law, provide the assistance required.

62. In doing so, Article 5 places a substantial burden on affected States Parties. However, to spread this burden the Convention requires "Each State Party in a position to do so to provide assistance for the implementation of the obligations referred to in Article 5 of this Convention" as a means of helping affected States Parties to fulfil their obligations.

Progress

63. Three quarters of the States Parties with obligations under Article 5 and responsibilities for the wellbeing of cluster munition victims have reported on consistent efforts made throughout the past five years to implement actions contained in the Vientiane Action Plan related to victim assistance. The remaining three States Parties have either not submitted initial and/or annual transparency reports, or in any other way provided information in this regard.

64. Although none of the States Parties have implemented all the actions dedicated to victim assistance within the Vientiane Action Plan, key progress can be noted: ten States Parties with cluster munitions victims have designated focal points to coordinate the development, implementation and monitoring of victim assistance policies and plans; six States Parties saw progress in needs assessment of victims; and all seven States Parties with victim assistance coordination structures in place have involved survivors or their representative organisations in victim assistance or disability coordination mechanisms. Also, half of all States Parties with obligations under Article 5 have reported on awareness raising among victims about their rights and availability of services.

65. Many of these States Parties, however, continue to face significant challenges in providing holistic and accessible care to affected individuals, families and communities. Emergency medical care, physical rehabilitation services, and socio-economic inclusion still remain out of reach for many survivors and other people with disabilities as well as

family members of those who have been killed, and members of affected communities. Most States Parties collected little information regarding age- and gender-sensitive assistance to cluster munition victims. Only a few States Parties reporting to have victims included relevant experts, and involved them in the work of government delegations, international meetings and in all activities related to the Convention.

Challenges highlighted since the First Meeting of States Parties

66. Ensuring that affected States Parties identify the needs of survivors efficiently, as well as the capacity gaps of the states to provide assistance, so as to be able to fulfil their victim assistance obligations.

67. Ensuring that victim assistance activities are based on the needs and priorities of those affected, and that resources are made available and used efficiently.

68. Creating sustainable services and programmes, and to ensure that the lifelong needs of victims are met.

69. Ensuring that all efforts are integrated with wider development, disability and human rights efforts, and to make best use of opportunities that allow for a holistic approach that encompass all victims of landmines and other explosive remnants of war as well as other people with similar need.

70. Improving collaboration and cooperation between States Parties and civil society actors working directly with victims.

71. Increasing the involvement of victims and their representative organisations in the policy development and practical implementation of victim assistance measures.

Recommendations

72. The Dubrovnik action plan should provide practical, time bound and purposeful guidance in the implementation of victim assistance provisions. In light of the progress made to date, and the challenges highlighted above, with respect to the legal obligations under Article 5, a key recommendation would be to build on the actions outlined in the Vientiane Action Plan, among them with regards to planning and monitoring making progress measurable (i.e. with time bound objectives and monitoring of implementation), including:

(a) Collect disaggregated data and report how data has been made available to all relevant stakeholders;

(b) Promote coordination among national authorities to effectively identify and assess the needs of victims;

(c) If possible, refer victims to existing services that may fulfil their needs;

(d) Ensure comprehensive rehabilitation services for victims (physical rehabilitation, psychological support and psycho-social support), which are also integrated with services for people with similar needs;

(e) Monitor and evaluate the integration of victim assistance into broader policies and frameworks to ensure that the needs and rights of victims are been taken into account; and

(f) In order to engage any newly affected State Party which may occur in future, States Parties should develop, by the Second Review Conference, a mechanism of rapid response which provides guidance on the implementation of the victim assistance obligations, with a view to preventing further victims.

73. Active involvement of victims and survivors:

(a) Ensure active involvement of survivors and their representative organisations in consultations and policy-making and decision-making processes on issues that concern them;

(b) Promote economic inclusion through self-employment or waged employment, as well as social protection measures; and

(c) Promote the inclusion of family and community representatives in accordance with Article 5.

74. Cooperation and assistance:

(a) Collaborate closely with related fields and related legal instruments – joining efforts and avoiding duplication can maximize the benefits for victims;

(b) Increase cooperation and assistance for victim assistance projects, not just through traditional mechanisms but also by increasing south-south, regional and triangular cooperation and in linking national focal points and centres;

(c) Promote good practices sharing as well as cooperation and assistance between expert centres and agencies;

(d) Promote a gradual upgrade in addressing the needs of family and communities in clearly affected areas of unexploded cluster munitions, based on the achievements of States Parties in the Vientiane Action Plan;

(e) Enhance and promote the capacity of survivor organisations, as well as disabled people organisations that are also representative of survivors, to deliver services (such as peer-to-peer support); and

(f) Promote the identification of capacities and resources that could be provided to states in need of capacity support in order to fulfil their victim assistance obligations.

75. Transparency:

(a) Ensure that information submitted in form H of Article 7 focuses on all victims of cluster munitions use, and not only the survivors; and

(b) Endeavour for information submitted in form H of Article 7 on victim assistance activities to demonstrate the results achieved and/or expected results.

VIII. International cooperation and assistance

Key messages

76. With the aim to address the right of each State party to seek and receive assistance and benefit from international cooperation and assistance as stipulated in the Convention, States Parties recognized the need to further develop partnerships that could contribute to an effective and timely implementation of all the provisions under the Convention in the elaboration of the Vientiane Action Plan and outlined concrete targets and measurable steps in terms of joint actions that could monitor progress against specific obligations on stockpile destruction, clearance and in assisting victims undertaken in with the cooperation and assistance of partners.

77. Formal and informal meetings of the Convention on Cluster Munitions represent great opportunities for all stakeholders including states, the United Nations, NGOs, the International Red Cross and Red Crescent Movement to outline the scope for cooperation and in highlighting particular areas of concern and for affected States to also present

potential technical and financial shortfalls that could jeopardize effective implementation. In addition, transparency reports under Article 7 represent a particularly good opportunity for States to elaborate on their needs for support in filling gaps but also, when doing so, to include more specifically, the plans for such assistance and the variety of means which could assist in fulfilling these gaps.

Scope

78. Throughout the past five years, the cooperation between States Parties and experts organisations have been dense as most States Parties have reported to be cooperating with national and international experts organisations and/or the United Nations in stockpile destruction, clearance and victim assistance activities.

79. Since the entry into force, a number of affected States Parties have identified needs and reported in formal and informal meetings on such needs: of the 16 States Parties that have reported to have or had obligations under Article 4, eight have highlighted assistance needs in clearance and/or risk reduction; of the 34 States Parties that have reported to have or had obligations under Article 3, eight have highlighted assistance needs in stockpile destruction and of the 12 States Parties that have reported to have obligations under Article 5 on victim assistance, seven have highlighted assistance needs.

Progress

80. To support States in meeting their obligations under the Convention, 27 States as well as numerous other experts organisations have provided financial, technical or material assistance. Furthermore, among activities and suggestions from the Coordinators of international cooperation and assistance since entry into force, there is the publication in 2012 of a catalogue on best practices on cooperation and assistance, the gathering of experts at intersessional meetings to highlight south-south and triangular cooperation and discussions on a launch of an online electronic portal for the exchange of information with regards to requests for and offers of support similar to the one established within the framework of the Anti-Personnel Mine Ban Convention.

81. States and expert organisations have used formal and informal meetings to exchange information and experiences and to promote technical cooperation, through panel discussions and presentations by technical experts and have shared information on methodologies that may reduce the time and projected costs of stockpile destruction and clearance. However, despite this fruitful collaboration, the issue of the unpredictability of funds and short-term financing of the programme have been highlighted as a key issue for the fulfilment of the Convention's obligation.

Challenges highlighted since the First Meeting of States Parties

82. States Parties in need of international cooperation and assistance have in general not been specific enough when communicating their needs under Article 3, 4 and/or 5, often leaving out the plans indicating the activities and timeframes for which support is needed and sought.

83. Furthermore, States have maintained a quite narrow spectrum and definition of means of cooperation and assistance which ideally should consist not only in the mobilization of financial resources from donors, but also the sharing and transfer of skills, expertise, experiences as well as the dissemination of lessons learned and facilitation of technical exchanges.

Recommendations

84. For further practical, time bound and purposeful guidance in the implementation of the Convention, and further to the legal obligations under Article 6, particular efforts should be considered to encourage early identification of challenges and engagement with relevant expert organisations, and other States Parties that may be in a position to assist in addressing these challenges.

85. States Parties and expert organisations should be encouraged to develop and share innovative solutions and promising practices on international cooperation and assistance including: multi-year support agreements to provide predictability and ensure sustainability of programmes; "cooperation partnerships" that entail closer and more systematic contact between donor and affected States in order to build national capacity and ownership; a greater emphasis on results-oriented programming with increased monitoring and evaluation elements; and third-party support for south-south assistance.

86. States parties should also strive to ensure that the cluster munitions related activities of the UN, national and international non-governmental organisations and other actors, where relevant, are incorporated into national planning frameworks and are consistent with national priorities and international obligations. Over time, major changes in donor policies and priorities may become evident that should be identified and taken into account in the strategic planning for cooperation and assistance measures under the CCM.

87. Cost-effective approaches to the implementation of the Convention should be promoted in order to ensure the best possible use of resources. For example, by properly investing in the identification of cluster munition contaminated areas, clearance will proceed much faster and therefore be less expensive. Low-cost and low-tech methods have also been developed to help States parties without industrial stockpile destruction capabilities to meet their obligations in a timely manner. By demonstrating application of efficient approaches to implementation, the approaches by States Parties requiring assistance will be more attractive to potential donors.

88. All relevant actors should continue to strengthen the partnerships between affected and non-affected States Parties, and among affected States Parties as well as between States Parties and experts organisations, to identify and mobilize new technical, material and financial sources of cooperation and assistance.

89. All relevant actors should ensure that assistance is based on appropriate surveys, needs assessment and analysis, including an emphasis on gender and age specific requirements. Requirements for capacity-building as well as development-related requirements should be identified; a proper transition from assisted to self-reliant strategies is essential to ensure the sustainability of more long-term activities, in particular in the area of victim assistance, which requires lifelong commitments to those affected and which should therefore be integrated into the broader national development, socio-economic and disability frameworks.

90. It has been noted that given the wide variety of support that may be offered (i.e., technical, material, or financial), many States are indeed in a position to provide assistance, and affected States in particular should be encouraged to share their expertise, good practices, and technical support in this regard. Furthermore, based on the experience of other Coordinators, the Coordinators on cooperation and assistance, stockpile destruction, clearance and victim assistance, should develop Geneva-based initiatives promoting cooperation through i.e., workshops with linguistically cohesive groups or with otherwise shared common interests.

IX. Transparency and exchange of information measures

Key messages

91. Submission of an initial transparency report followed by annual reports are legal obligations and a requirement under Article 7 but also an important means of transparency and a confidence building measure among States Parties to the Convention. Most States Parties have engaged in fulfilling their obligation to provide initial and annual reports. Notwithstanding, since the entry into force, a number of States Parties have yet to submit their initial transparency report and the annual reporting rate has declined.

92. Quality of submitted reports varies greatly and, when poor, it is a detriment to the implementation of the Convention on Cluster Munitions and the prospects of others to appreciate progress made as well as any needs for assistance that may be required to fulfil further obligations and implementation measures under the Convention. Improved quality of information would represent a good source for presenting planned implementation measures in line with compliance requirements and in identifying associated resource needs. As such, the annual transparency reports could be used as a management tool for implementation, especially in supporting cooperation and assistance among States.

Scope

93. The Vientiane Action Plan outlines actions for States in support of Article 7 requirements, suggesting detailed information that can help timely implementation and mobilise cooperation in victim assistance, clearance of cluster munitions remnants and in destroying stockpiled cluster munitions. It further suggests that States should engage in a spirit of cooperation beyond formal requirements, make use of synergies with other relevant treaty regimes and contribute to the development of purposeful reporting formats.

Progress

94. Among the ninety-one (91)States Parties [15] with Article 7 initial reporting requirements, sixty-seven (67) have done so to date and seven are not yet due leaving a quarter of States[16] now late in compliance with Article 7 obligations. Since entry into force for each individual State Party, statistics show that merely 49 per cent of States parties have submitted all of their required annual reports. Eighteen per cent have submitted annual reports irregularly whilst 33 per cent have never submitted an annual report. On a positive note, three States not party to the Convention have provided voluntary Article 7 transparency reports, two of them on regular basis. One of these signatories, Canada, became State Party in March 2015.

95. In addition to the information provided by States in initial and annual transparency reports, the intersessional meetings offer a platform for the exchange of information in an

[15] The initial transparency report of seven States parties: Belize, Canada, Congo, Guinea, Guyana, Paraguay and State of Palestine is not yet due.

[16] Bolivia /Plurinational State of) (initial submission due 30 March 2014), Cameroon (initial submission due 30 June 2013), Cape Verde (initial submission due 28 October 2011), Chad (initial submission due 28 February 2014), Comoros (initial submission due 30 June 2011), Cook Islands (initial submission due 30 July 2012);Dominican Republic (initial submission due 28 November 2012), Fiji (initial submission due 30 April 2011), Guinea Bissau (initial submission due 28 October 2011), Honduras (initial submission due 28 February 2013), Mali (initial submission due 30 May 2011), Nauru (initial submission due 28 January 2014), Niger (initial submission due 28 January 2011), Panama (initial submission due 28 October 2011), Saint Kitts and Nevis (initial submission due 28 August 2014), Togo (initial submission due 29 May 2013) and Tunisia (initial submission due 28 August 2011).

informal manner. States Parties have, to a large extent, taken advantage of the flexibility of informal reporting processes and exchanges of views on the practical implementation of the various provisions of the Convention.

96. To support States in the fulfilment of reporting obligations and in addressing the challenges raised above, a number of initiatives have been undertaken including the development and adoption by States Parties at the First Meeting of States Parties of a common reporting format to be used on a voluntary basis and, at the Third Meeting of States Parties, of a "Guide to Reporting" to guide States Parties in using the reporting format and in providing more purposeful information under Article 7 reporting. Furthermore, to raise the overall reporting rate, letters of reminder have been sent annually by the Coordinator, in close cooperation with the interim ISU, to all States Parties with reporting obligations. Further to this, reminder were sent to States Parties with initial, as well as annual transparency reports, still due. In addition, assistance was offered in support of Article 7 requirements and some States Parties seized this opportunity.

97. In order to enhance quality, awareness was raised with regards to the overall rational and importance of reporting. During the intersessional meetings of 2013 and 2014, presentations were provided with specific emphasis on clearance and victim assistance, highlighting the opportunities that strategic and well-articulated reporting can present in the field of cooperation and assistance.

98. At the Fourth Meeting of States Parties, the Coordinator on reporting presented a suggested action plan: "Transparency measures and the exchange of information in the context of the Convention: State of play and the way ahead for a better exchange of information"[17]. This plan proposed concrete actions with clear objectives to further enhance Article 7 reporting, both with regards to quantitative and qualitative aspects. A "Guide to Reporting" was also proposed at the Third Meeting of States Parties. Adaptable, this guide is a living document and can be tailored to individual needs. In this context, the section on victim assistance is under review and will be presented shortly, taking into consideration the input provided by States.

Challenges highlighted since the First Meeting of States Parties

99. Despite these efforts, two main challenges have been highlighted consistently over the past five years: (a) the varying quality of reports raising questions with regards to the information pertaining to State Party implementation as well as potential needs for support under Article 3, 4 and 5 and subsequent to this, concerns with regards to whether information is provided in a consistent and useful manner; and (b) ensuring that States Parties that are late in submitting initial and/or annual transparency reports under Article 7, do so without further delay.

Recommendations

100. For States Parties to use transparency measures as a tool for (a) implementation, (b) increasing cooperation and assistance, (c) increasing exchange of information and (d) in increasing synergies with other relevant disarmament and/or humanitarian treaties by:

- providing initial transparency reports under Article 7 within the timeframe stated by the Convention;
- providing annual transparency reports, maximizing its potential as a tool for assistance and cooperation in implementation, particularly in cases where States Parties must take action to destroy stockpiled cluster munitions, clear cluster

[17] CCM/MSP/2013/WP.4

munitions remnants and in assisting victims or in taking legal and other measures referred to in Article 9;

- using formal and informal fora to provide updates on the implementation of provisions of the Convention, ensuring that updates are clearly reflected in formal annual transparency reports and in promoting these reports as practical tools for cooperation and assistance;
- including detailed information on time-bound plans towards treaty compliance, with special emphasis regarding obligations under Articles 3, 4 and 5; and
- in further developing reporting formats.

X. National implementation measures

Key messages

101. Taking all appropriate legal, administrative and other measures to implement the Convention at the national level is a legal obligation under Article 9 and is one of the key elements for ensuring that the Convention lives up to its humanitarian objectives.

102. Since entry into force, States parties have expressed support for the importance of Article 9 and a number of tools have been developed in collaboration with expert organisations to assist States parties as well as States considering adherence to the Convention to fulfil this obligation. Many States parties have already taken the required action but others should adopt or review their implementing legislation if they have not already done so. All States Parties are encouraged to present information on the measures taken under Article 9 through their Article 7 transparency reports.

103. Concern has been expressed by a number of expert organisations about the provisions of some national laws relating to activities in support of joint military operations and cooperation with states not party to the Convention. All States Parties have been urged to ensure that all provisions of national law and other implementation measures are fully consistent with the object and purpose of the Convention.

Scope

104. 53 per cent of all States Parties report either that they have adopted legislation specifically aimed at the implementation of the Convention or that their existing laws and regulations are sufficient to implement it. A further 21 per cent report that they are currently in the process of adopting legislation and other implementing measures. A number of States Parties have not yet shared detailed information on their implementation of the Convention in this area either through their initial and/or annual transparency reports or at formal and informal meetings. In some instances, this lack of information limits on the implementation assistance that States might receive from expert organisations.

Progress

105. The development and adoption of legislation to enable effective implementation of the Convention remains a challenge for a number of States Parties. To support States Parties in this process, a number of tools have been developed: in 2013, the International Committee of the Red Cross published a guidance paper entitled "Model law: Convention on Cluster Munitions - Legislation for Common Law States on the 2008 Convention on Cluster Munitions". In 2011, the Coordinator on national implementation measures prepared and published a shorter model entitled "Model Legislation: Cluster Munitions Act

201[…]" tailored for non-possessor, non-contaminated States.[18]. In addition, and with the support of the Democratic Republic of the Congo, the International Committee of the Red Cross, the Cluster Munitions Coalition and the Coordinator on National Implementation Measures, Ghana has been working on drafting model legislation for African countries under civil and common law systems. In pursuit of this goal, two workshops were held in Geneva in early 2014 to explore the challenges faced by African States in the process of ratifying the Convention. A model legislation drafting workshop was also held in San José, Costa Rica in August 2014.

Challenges highlighted since the First Meeting of States Parties

106. To ensure that all States Parties, as a matter of urgency, review and if deemed necessary, develop and adopt the appropriate legislation required for the effective implementation of the Convention.

Recommendations

107. Review national legislation and as deemed necessary, develop and adopt comprehensive legislative, administrative or other implementing measures, as appropriate, in accordance with Article 9.

108. Share information on the revision/adoption as well as content and application of implementing measures by means of annual transparency reports and at opportunities provided by formal and informal meetings of the Convention.

109. Highlight in transparency reports and at formal and informal meetings the factors that may be preventing progress in the revision/adoption of national legislation as well as the assistance required to overcome the challenges identified.

110. Inform all relevant national actors, including armed forces, of obligations under the Convention and of national implementation measures introduced.

[18] CCM/MSP/2011/WP.6

Annex I

States that have ratified or acceded to the Convention on Cluster Munitions[19]

As of 27 March 2015

Country	*Date of Signature*	*Date of Ratification*	*Date of Accession*
Afghanistan	03.12.2008	08.09.2011	
Albania	03.12.2008	16.06.2009	
Andorra			09.04.2013
Antigua and Barbuda	16.07.2010	23.08.2010	
Australia	03.12.2008	08.10.2012	
Austria	03.12.2008	02.04.2009	
Belgium	03.12.2008	22.12.2009	
Belize			02.09.2014
Bolivia (Plurinational State of)	03.12.2008	30.04.2013	
Bosnia and Herzegovina	03.12.2008	07.09.2010	
Botswana	03.12.2008	27.06.2011	
Bulgaria	03.12.2008	06.04.2011	
Burkina Faso	03.12.2008	16.02.2010	
Burundi	03.12.2008	25.09.2009	
Cameroon	15.12.2009	12.07.2012	
Canada	03.12.2008	16.03.2015	
Cape Verde	03.12.2008	19.10.2010	
Chad	03.12.2008	26.03.2013	
Chile	03.12.2008	16.12.2010	
Comoros	03.12.2008	28.07.2010	
Congo	03.12.2008	02.09.2014	
Cook Islands	03.12.2008	23.08.2011	
Costa Rica	03.12.2008	28.04.2011	

[19] On the basis of the information available at http://www.unog.ch/80256EE600585943/(httpPages)/67DC5063EB530E02C12574F8002E9E49?OpenDocument.

Country	*Date of Signature*	*Date of Ratification*	*Date of Accession*
Côte d'Ivoire	04.12.2008	12.03.2012	
Croatia	03.12.2008	17.08.2009	
Czech Republic	03.12.2008	22.09.2011	
Denmark	03.12.2008	12.02.2010	
Dominican Republic	10.11.2009	20.12.2011	
Ecuador	03.12.2008	11.05.2010	
El Salvador	03.12.2008	10.01.2011	
Fiji	03.12.2008	28.05.2010	
France	03.12.2008	25.09.2009	
Germany	03.12.2008	08.07.2009	
Ghana	03.12.2008	03.02.2011	
Grenada			29.06.2011
Guatemala	03.12.2008	03.11.2010	
Guinea	03.12.2008	21.10.2014	
Guinea-Bissau	04.12.2008	29.11.2010	
Guyana			31.10.2014
Holy See	03.12.2008	03.12.2008	
Honduras	03.12.2008	21.03.2012	
Hungary	03.12.2008	03.07.2012	
Iraq	12.11.2009	14.05.2013	
Ireland	03.12.2008	03.12.2008	
Italy	03.12.2008	21.09.2011	
Japan	03.12.2008	14.07.2009	
Lao People's Democratic Republic	03.12.2008	18.03.2009	
Lebanon	03.12.2008	05.11.2010	
Lesotho	03.12.2008	28.05.2010	
Lichtenstein	03.12.2008	04.03.2013	
Lithuania	03.12.2008	24.03.2011	
Luxembourg	03.12.2008	10.07.2009	
Malawi	03.12.2008	07.10.2009	
Mali	03.12.2008	30.06.2010	
Malta	03.12.2008	24.09.2009	

Country	*Date of Signature*	*Date of Ratification*	*Date of Accession*
Mauritania	19.04.2010	01.02.2012	
Mexico	03.12.2008	06.05.2009	
Monaco	03.12.2008	21.09.2010	
Montenegro	03.12.2008	25.01.2010	
Mozambique	03.12.2008	14.03.2011	
Nauru	03.12.2008	04.02.2013	
Netherlands	03.12.2008	23.02.2011	
New Zealand	03.12.2008	22.12.2009	
Nicaragua	03.12.2008	02.11.2009	
Niger	03.12.2008	02.06.2009	
Norway	03.12.2008	03.12.2008	
Panama	03.12.2008	29.11.2010	
Paraguay	03.12.2008	12.03.2015	
Peru	03.12.2008	26.09.2012	
Portugal	03.12.2008	09.03.2011	
Republic of Moldova	03.12.2008	16.02.2010	
Saint Kitts and Nevis			13.09.2013
Saint Vincent and the Grenadines	23.09.2009	03.11.2010	
Samoa	03.12.2008	28.04.2010	
San Marino	03.12.2008	10.07.2009	
Senegal	03.12.2008	03.08.20.1	
Seychelles	13.04.2010	20.05.2010	
Sierra Leone	03.12.2008	03.12.2008	
Slovenia	03.12.2008	19.08.2009	
Spain	03.12.2008	17.06.2009	
State of Palestine			02.01.2015
Swaziland			13.09.2011
Sweden	03.12.2008	23.04.2012	
Switzerland	03.12.2008	17.07.2012	
The former Yugoslav Republic of Macedonia	03.12.2008	08.10.2009	
Togo	03.12.2008	22.06.2012	

Country	*Date of Signature*	*Date of Ratification*	*Date of Accession*
Trinidad and Tobago			21.09.2011
Tunisia	12.01.2009	28.09.2010	
United Kingdom of Great Britain and Northern Ireland	03.12.2008	04.05.2010	
Uruguay	03.12.2008	24.09.2009	
Zambia	03.12.2008	12.08.2009	

Annex II

States that have signed but not yet ratified the Convention on Cluster Munitions[20]

As of 27 March 2015

Country	*Date of Signature*
Angola	03.12.2008
Benin	03.12.2008
Central African Republic	03.12.2008
Colombia	03.12.2008
Cyprus	23.09.2009
Democratic Republic of the Congo	18.03.2009
Djibouti	30.07.2010
Gambia	03.12.2008
Haïti	28.10.2009
Iceland	03.12.2008
Indonesia	03.12.2008
Jamaica	12.06.2009
Kenya	03.12.2008
Liberia	03.12.2008
Madagascar	03.12.2008
Namibia	03.12.2008
Nigeria	12.06.2009
Palau	03.12.2008
Philippines	03.12.2008
Rwanda	03.12.2008
Sao tome and Principe	03.12.2008
Somalia	03.12.2008
South Africa	03.12.2008

[20] On the basis of the information available at http://www.unog.ch/80256EE600585943/(httpPages)/67DC5063EB530E02C12574F8002E9E49?OpenDocument.

Country	*Date of Signature*
Uganda	03.12.2008
United Republic of Tanzania	03.12.2008

Annex III

Status of universalisation, implementation and compliance among States parties to the CCM in the period 1 August 2010-First Review Conference in 2015

Universalization

1. As of 27 March 2015, one hundred and sixteen (116) States have committed themselves to the goals of the Convention and 91 of them have become full States parties through ratification or accession, while 25 still need to ratify.[21]

2. Upon entry into force of the Treaty on 1 August 2010, the Convention on Cluster Munitions counted thirty-eight (38) States parties to the Treaty: Albania, Austria, Belgium, Burkina Faso, Burundi, Comoros, Croatia, Denmark, Ecuador, Fiji, France, Germany, Holy See, Ireland, Japan, Lao People's Democratic Republic, Lesotho, Luxembourg, Malawi, Mali, Malta, Mexico, Montenegro, New Zealand, Nicaragua, Niger, Norway, Republic of Moldova, Samoa, San Marino, Seychelles, Sierra Leone, Slovenia, Spain, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

3. In the period from 2 August - 31 December 2010, eleven (11) States ratified the Convention: Antigua and Barbuda, Bosnia and Herzegovina, Cape Verde, Chile, Guatemala, Guinea-Bissau, Lebanon, Monaco, Panama, Saint Vincent and the Grenadines and Tunisia.

4. In 2011, sixteen (16) States ratified the Convention: Afghanistan, Botswana, Bulgaria, Cook Islands, Costa Rica, Czech Republic, Dominican Republic, El Salvador, Ghana, Italy, Lithuania, Mozambique, the Netherlands, Portugal, Senegal and Swaziland. In addition, two (2) States acceded to the Treaty: Grenada and Trinidad and Tobago.

5. In 2012, ten (10) States ratified the Convention: Australia, Cameroon, Cote d'Ivoire, Honduras, Hungary, Mauritania, Peru, Sweden, Switzerland and Togo.

6. In 2013, five (5) States ratified the Convention: Bolivia, Chad, Iraq, Liechtenstein and Nauru. In addition, two (2) States acceded to the Treaty: Andorra and Saint Kitts and Nevis.

7. In 2014, two (2) States ratified the Convention: Congo and Guinea and two (2) States acceded: Belize and Guyana.

8. Since 1 January 2015 one (1) State has acceded to the Convention: State of Palestine and two (2) States ratified the Convention: Paraguay and Canada.

Article 3 - Stockpile destruction

9. As of 27 March 2015, eighty (80) Member States of the United Nations are neither signatories nor State parties to the Convention: Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Bhutan, Brazil, Brunei Darussalam,

[21] Signatories to the CCM: Angola, Benin, Central African Republic, Colombia, Cyprus, Democratic Republic of the Congo, Djibouti, Gambia, Haiti, Iceland, Indonesia, Jamaica, Kenya, Liberia, Madagascar, Namibia, Nigeria, Palau, Philippines, Rwanda, Sao Tome and Principe, Somalia, South Africa, Uganda and the United Republic of Tanzania.

Cambodia, China, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, Gabon, Georgia, Greece, India, Iran (Islamic Republic of), Israel, Jordan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Latvia, Libya, Malaysia, Maldives, Marshall Islands, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Myanmar, Nepal, Oman, Pakistan, Papua New Guinea, Poland, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Serbia, Singapore, Slovakia, Solomon Islands, South Sudan, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Tonga, Turkey, Turkmenistan, Tuvalu, Ukraine, United Arab Emirates, United States of America, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

10. Thirty-six (36) States parties have reported that they have, or previously had cluster munitions stockpiles and thereby obligations under Article 3: Afghanistan, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Congo, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Guinea, Guinea-Bissau, Honduras, Hungary, Iraq, Italy, Japan, Montenegro, Mozambique, Netherlands, Norway, Peru, Portugal, Republic of Moldova, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland.

11. Among these, 24 States parties have subsequently declared being in compliance with obligations under Article 3:

- Two (2) before entry into force: Honduras and Iraq;
- Ten (10) in 2011: Austria, Belgium, Congo, Ecuador, Hungary, Montenegro, Norway, Portugal, Republic of Moldova and Spain;
- Five (5) in 2012: Afghanistan, Bosnia and Herzegovina, Czech Republic, Netherlands and Slovenia;
- One (1) in 2013: Côte d'Ivoire;
- Five (5) in 2014: Canada, Chile, Denmark, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland; and
- One (1) in 2015: Japan.

12. Two (2) States parties later reported having identified additional cluster munitions requiring destruction: Bosnia and Herzegovina and Spain.

13. At present, fourteen (14) States parties remain with obligations under Article 3: Bosnia and Herzegovina, Botswana, Bulgaria, Croatia, France, Germany, Guinea, Guinea-Bissau, Italy, Mozambique, Peru, Spain, Sweden and Switzerland.

Article 4 – Clearance of cluster munition remnants

14. Sixteen (16) States parties have reported to have /or had obligations under Article 4: Afghanistan, Albania, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Grenada, Iraq, Lao People's Democratic Republic, Lebanon, Mauritania, Montenegro, Mozambique, Norway and Zambia.

15. Among these, five (5) have declared compliance with obligations under Article 4:

- Two (2) prior to entry into force: Albania and Zambia;
- One (1) in 2012 at the Third Meeting of States Parties: Grenada; and
- Two (2) in 2014 at the Fifth Meeting of States Parties: Mauritania and Norway.

16. The following eleven (11) States parties remain with clearance obligations under Article 4: Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro and Mozambique.

Article 7 - Reporting

17. Sixty-six (67) initial transparency reports of the required eighty-four (84) have been received thus far: Afghanistan, Albania, Andorra, Antigua and Barbuda, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, France, Germany, Ghana, Grenada, Guatemala, Holy See, Hungary, Iraq, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Mauritania, Mexico, Monaco, Montenegro, Mozambique, New Zealand, Netherlands, Nicaragua, Norway, Peru, Portugal, Republic of Moldova, Saint-Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Slovenia, Spain, Swaziland, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

18. Eighteen (17) States Parties have yet to submit their initial Article 7 transparency report: Bolivia (Plurinational State of), Cameroon, Cape Verde, Chad, Comoros, Cook Islands, Dominican Republic, Fiji, Guinea-Bissau, Honduras, Mali, Nauru, Niger, Panama, Saint Kitts and Nevis, Togo and Tunisia.

19. Fifty-four (54) States parties of the required 80 have submitted one or more annual report: Afghanistan, Albania, Antigua and Barbuda, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Ecuador, France, Germany, Ghana, Grenada, Guatemala, Holy See, Ireland, Italy, Japan, Lao People's Democratic Republic, Lebanon, Lithuania, Luxembourg, Mauritania, Mexico, Monaco, Montenegro, Mozambique, New Zealand, Netherlands, Nicaragua, Norway, Peru, Portugal, Republic of Moldova, San Marino, Senegal, Slovenia, Spain, Swaziland, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia.

20. Twenty-six (26) States parties have yet to submit one or more annual Article 7 transparency reports: Bolivia (Plurinational State of), Burundi, Cameroon, Cape Verde, Chad, Comoros, Cook Islands, Dominican Republic, Fiji, Guinea-Bissau, Hungary, Honduras, Lesotho, Malawi, Mali, Malta, Nauru, Niger, Panama, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Togo, and Tunisia.

21. As of 27 March 2015, three (3) States parties have submitted their Article 7 transparency report in advance of the 30 April deadline: Austria, Swaziland and Trinidad and Tobago.